Officer History

FRESNEL, Officer Name: **PETERSON** Tax ID: 936619 Sex: M Shield: 01336 Race: Black 331 Rank: DT3 **Command:** Birth Year: **Appt Date:** 01/10/2005 Age: **Tenure:** 17 **NYPD** Incident Reported Allegation **Board Discipline** Allegation NYPD MOS CCRB# CMD Date Date Disposition Recommendation* **Disposition** Allegation **Penalty** 200900443 01/08/2009 01/11/2009 Abuse - Vehicle stop Unsubstantiated Abuse - Frisk Unsubstantiated Abuse - Question Unsubstantiated 200904323 03/17/2009 03/20/2009 Unsubstantiated Abuse - Search (of person) 201006259 05/07/2010 05/09/2010 Abuse - Refusal to Unsubstantiated provide name/shield number 202001716 03/01/2020 03/01/2020 Abuse - Refusal to Substantiated Substantiated (Charges) process civilian (Command Discipline complaint B)

^{*}Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is seperate and apart from the disposition of the allegations substantiated against the officer.

Officer History

Officer Name: FRESNEL,

PETERSON

Tax ID: 936619 **Sex:** M

Shield: 01336 Race: Black

Rank: DT3 Command: 331

Birth Year: Appt Date: 01/10/2005

Age: Tenure: 17

CCRB # 202001716	CMD 331	Incident Date 03/01/2020	Reported Date 03/01/2020	Allegation Untruthful Stmt Misleading official statement	Allegation Disposition Substantiated (Charges)		NYPD Allegation Disposition	NYPD MOS Penalty	
				Abuse - Failure to provide RTKA card	Substantiated (Command Discipline A)	Substantiated (Charges)			
				Discourtesy - Word	Unsubstantiated				
				Force - Physical force	Unsubstantiated				
				Off. Language - Race	Unsubstantiated				

Total Charges = 27 Total Cases = 8

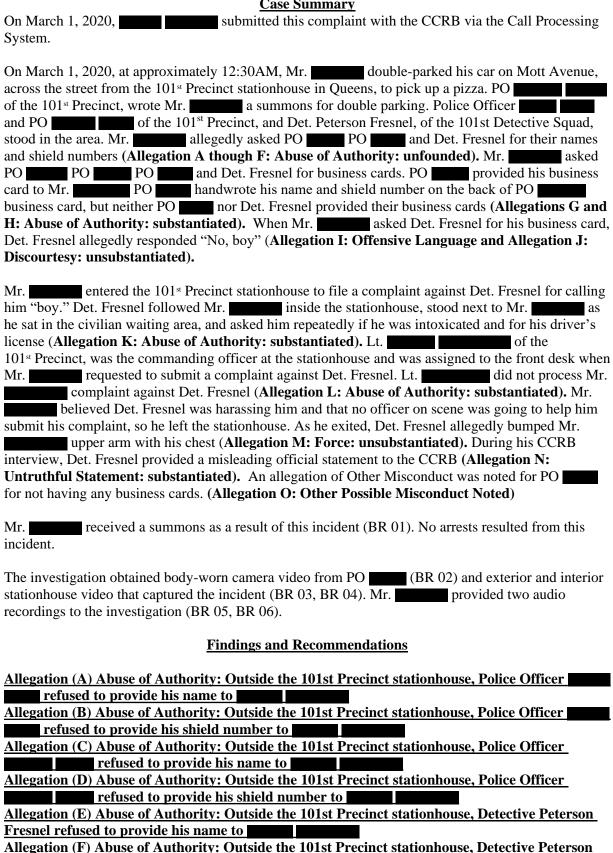
^{*}Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is seperate and apart from the disposition of the allegations substantiated against the officer.

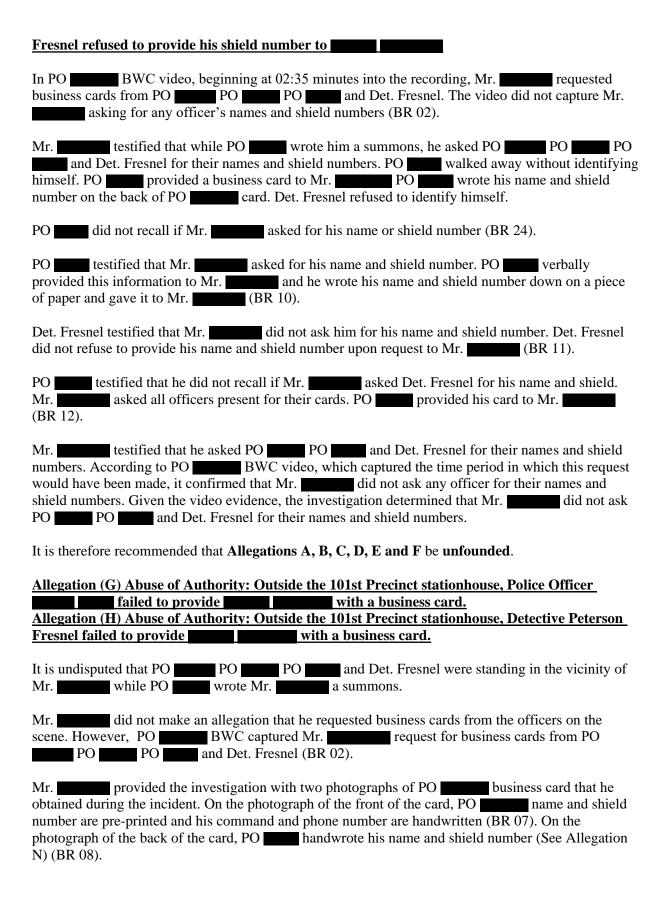
CCRB INVESTIGATIVE RECOMMENDATION

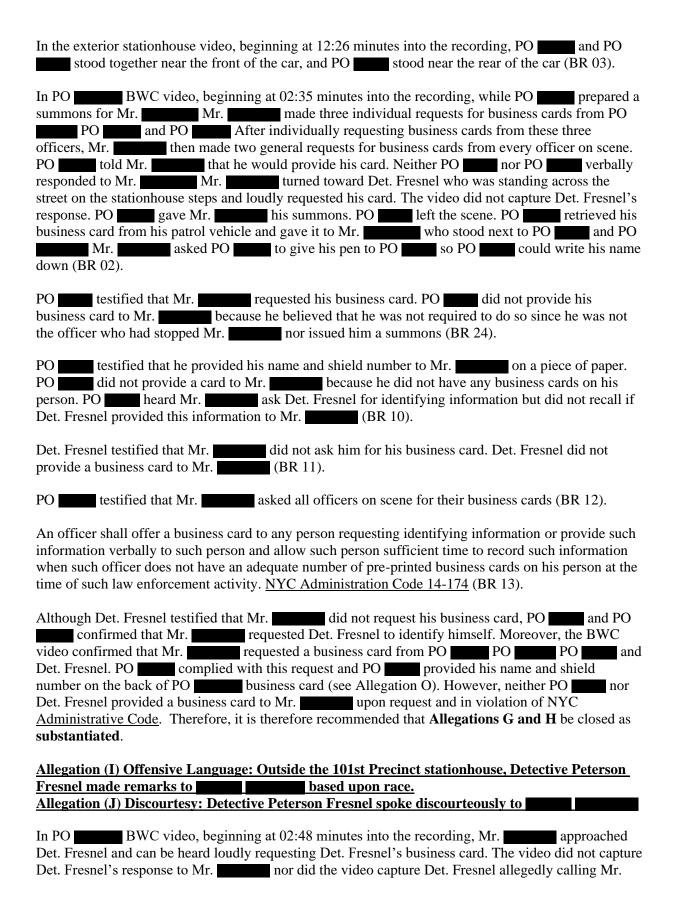
Investigator:		Team:		CCRB Case #:	M	Force	V	Discourt.	V	U.S.
Amanda Field		Squad #	6	202001716	I^{-}	Abuse	<u></u> ✓	O.L.		Injury
					Ļ				T	
Incident Date(s)		18 Mo. S		EO SOL		cation of l			Pre	cinct:
Sunday 03/01/2020 12:32 AM Sunday 03/01/2020 12:35 AM		09-01-20		04-18-2022 04-18-2022	Outside the 101st Precinct 101 Stationhouse; Inside the				101	
								ationhouse		
Date/Time CV Reported		CV Rep	orted At:	How CV Reported	:	Date/Time	e Rece	eived at CC	RB	
Sun, 03/01/2020 4:50 PM		CCRB		Call Processing System		Sun, 03/0	1/2020	0 4:50 PM		
Complainant/Victim	Type		Home Addr	ess						
1.	Comp/V	ictim								
Subject Officer(s)	Shield		TaxID	Command						
1. POM				101 PCT						
2. DT3 Peterson Fresnel	1336		936619	101 DET						
3. LT				101 PCT						
4. POM				101 PCT						
Witness Officer(s)	Shield N	0	Tax No	Cmd Name						
1. POM				101 PCT						
2. POM				101 PCT						
Officer(s)	Allegatio	on				Inv	estiga	ator Recor	nme	ndation
A DOM	A buse of	· A suth a mit	w. Outside the	101 - P	onho	use, A.	Unfo	nundad		
A . POM	Police O			101st Precinct stations sed to provide his na		to		Junueu		
B . POM	Abuse of Police Of	fficer Authorit	refu y: Outside the		ame onho	use, B.				
	Abuse of Police On number to	fficer Authorit fficer to Authorit	y: Outside the refu	sed to provide his na 101st Precinct statio	ame ionho nield	use, B.	Unfo	ounded		
B. POM	Abuse of Police Ornumber to Abuse Ornumber Ornumber to Abuse Ornumber to Abuse Ornumber to Abuse Ornumber Ornumber to Abuse Ornumber Ornumber to Abuse Ornumber Orn	Authorit fficer o Authorit fficer Authorit fficer Authorit fficer	y: Outside the refule y: Outside the refule	sed to provide his na 101st Precinct static sed to provide his sh 101st Precinct static	onho nield onho name	use, B. use, C. e to use, D.	Unfo	ounded ounded		
B. POM	Abuse of Police Ornumber to Abuse Ornumber Ornu	Authorit fficer Authorit fficer Authorit fficer Authorit fficer O Authorit fficer O Authorit fficer O Authorit	y: Outside the refu	sed to provide his na 101st Precinct static sed to provide his sh 101st Precinct static used to provide his r	onho nield onho name onho shiele	use, B. use, C. to use, D. d use, E.	Unfo Unfo	ounded ounded ounded		
B. POM C. POM D. POM	Abuse of Police Ornumber to Abuse of Police Ornumber to Abuse of Police Ornumber to Abuse of Detective Abuse of Abuse of Detective Abuse of Abuse o	Authorit fficer o Authorit fficer Authorit fficer o Authorit fficer o Authorit e Peterson	y: Outside the refuse	sed to provide his na 101st Precinct static sed to provide his sh 101st Precinct static used to provide his r 101st Precinct static used to provide his s	onhoonhoonhoonhoonhoonhoonhoonhoonhoonh	use, B. use, C. to use, D. d use, E.	Unfo Unfo Unfo	ounded ounded ounded		
B . POM C . POM D . POM E . DT3 Peterson Fresnel	Abuse of Police Ornumber to Abuse of Police Ornumber to Abuse of Detective Abuse of Detective number to the Police Ornumber to Abuse of Detective number to the Police Ornumber to Abuse of Detective number to the Police Ornumber t	Authorit fficer Authorit fficer Authorit fficer Authorit fficer Authorit e Petersor Authorit e Petersor Authorit fficer Authorit fficer Authorit fficer Authorit fficer	y: Outside the refuse	101st Precinct static sed to provide his shall 101st Precinct static fused to provide his result of the first Precinct static fused to provide his shall 101st Precinct static fused to provide his shall 101st Precinct static field to provide his national 101st Precinct static field to provide his national 101st Precinct static field to provide his national 101st Precinct static	onho nield onho name onho shield onho me to	use, B. use, C. use, D. use, E. use, F.	Unfo Unfo Unfo Unfo	ounded ounded ounded ounded		

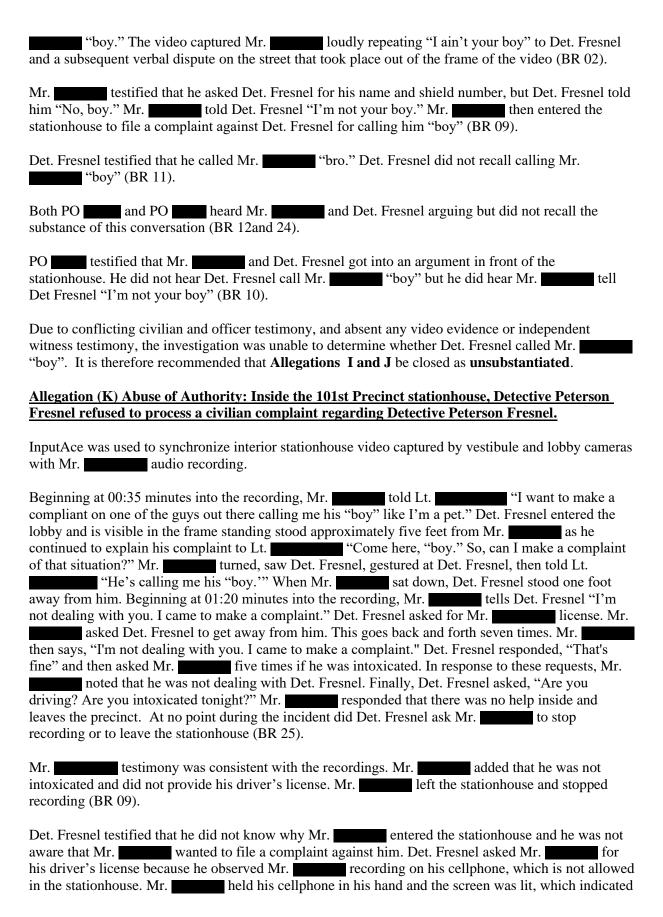
Officer(s)	Allegation	Investigator Recommendation
I . DT3 Peterson Fresnel	Offensive Language: Outside the 101st Precinct stationhouse, Detective Peterson Fresnel made remarks to based upon race.	I. Unsubstantiated
J. DT3 Peterson Fresnel	Discourtesy: Detective Peterson Fresnel spoke discourteously to	J. Unsubstantiated
K . DT3 Peterson Fresnel	Abuse of Authority: Detective Peterson Fresnel did not process complaint regarding Det. Peterson Fresnel.	K . Substantiated
L. LT	Abuse of Authority: Inside the 101st Precinct stationhouse, Lieutenant did not process complaint regarding an officer.	L . Substantiated
M . DT3 Peterson Fresnel	Force: Inside the 101st Precinct stationhouse, Detective Peterson Fresnel used physical force against	M . Unsubstantiated
N . DT3 Peterson Fresnel	Untruthful Statement: Detective Peterson Fresnel provided a misleading official statement to the CCRB.	N . Substantiated
O . POM	Other Possible Misconduct Noted: Police Officer did not have business cards as required.	O . Other Possible Misconduct

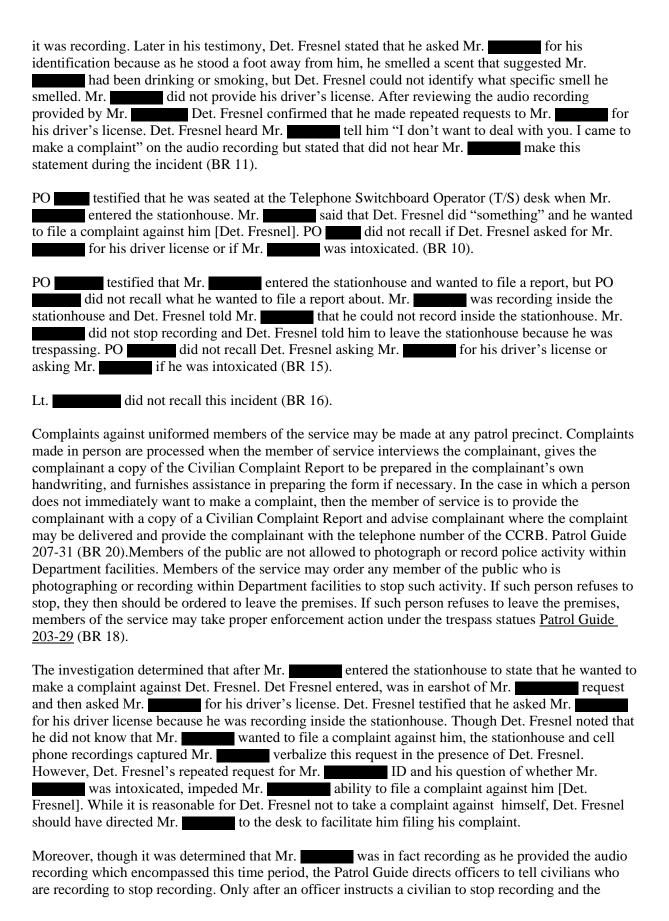
Case Summary

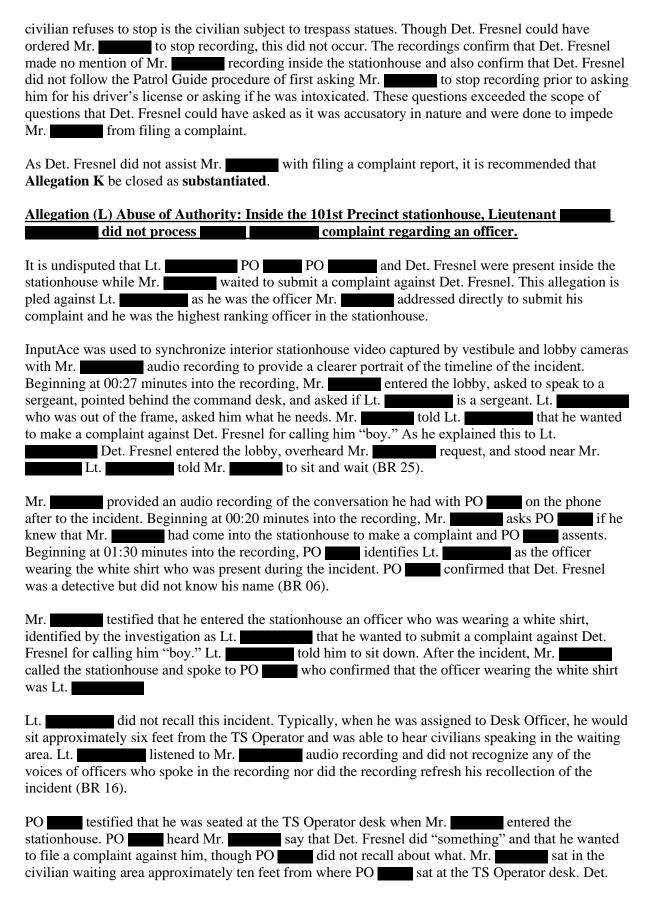


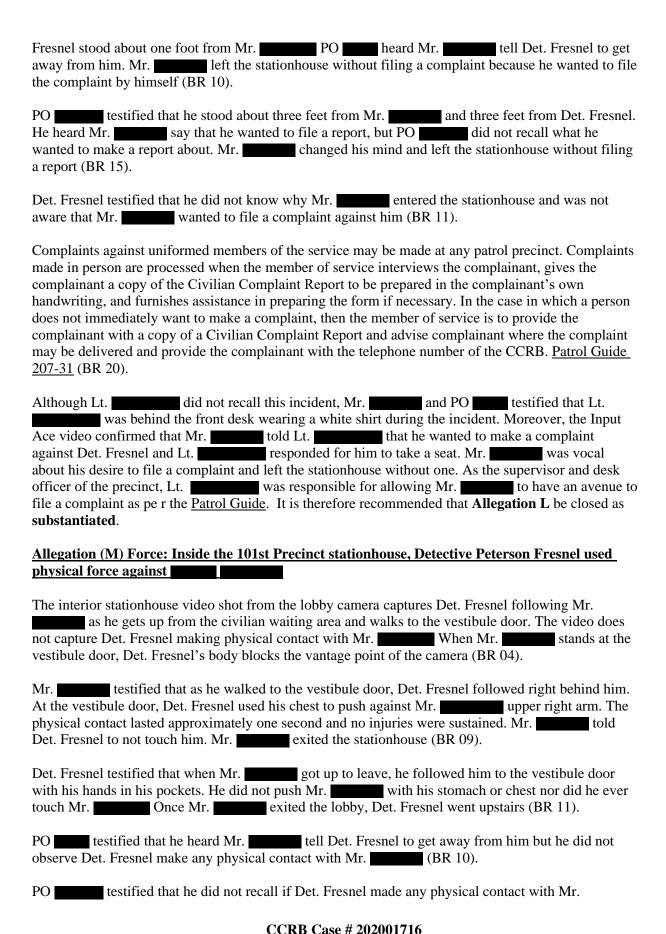












(BR 15).
Due to the conflicting civilian and officer testimony and absent any definitive video evidence, the investigation was unable to establish whether Det. Fresnel pushed Mr. with his chest. It is therefore recommended that Allegation M be unsubstantiated .
Allegation (N) Untruthful Statement: Detective Peterson Fresnel provided a misleading official statement to the CCRB.
The investigation determined by a preponderance of evidence that Det. Fresnel provided a misleading statement to the CCRB during his interview.
Beginning at 01:20 minutes into the recording, Mr. tells Det. Fresnel "I'm not dealing with you. I came to make a complaint." Det. Fresnel asked for Mr. driver's license. Mr. asked Det. Fresnel to get away from him. This goes back and forth seven times. Mr.
then says, "I'm not dealing with you. I came to make a complaint." Det. Fresnel responded, "That's fine" and then asked Mr. five times if he was intoxicated. In response to these requests, Mr. noted that he was not dealing with Det. Fresnel. Finally, Det. Fresnel asked, "Are you driving? Are you intoxicated tonight?" Mr. responded that there was no help inside and leaves the precinct. At no point during the incident did Det. Fresnel ask Mr. to stop recording or to leave the stationhouse (BR 25).
Det. Fresnel made misleading statements to the CCRB during his interview regarding two material facts. First, Det. Fresnel testified that he did not know the reason why Mr. entered the stationhouse and that he was not aware that Mr. wanted to file a complaint against him. Second, Det. Fresnel testified that he told Mr. to stop recording and to leave the stationhouse. Audio evidence contradicted both of Det. Fresnel's claims.
Det. Fresnel made the following statements during his CCRB interview (BR 11): Between 39:10 and 39:40 minutes the following exchange occurred: Investigator: Did he [Mr say why he was inside the precinct in the first place?" Det. Fresnel: I don't know. I don't know why he was inside. I just heard the yelling. And I'm like, he's still continuing on inside now, recording, so it is now a security risk. Investigator: Was he [Mr interacting with any other officers inside? Det. Fresnel: He's inside the precinct yelling. I don't know if he's speaking to anyone. I just know that he's inside the precinct yelling where the vestibule seats are.
Between 46:05 and 46:55 minutes, after viewing the interior stationhouse footage: Investigator: What is your understanding of why Mr. had gone inside the stationhouse? Det. Fresnel: I don't know why he went in. When I came in following him, it's from him screaming and him recording. I told him, I said 'Listen you can't record in here. Investigator: Were you aware that Mr. wanted to file a complaint against you? Det. Fresnel: No.
Between 48:54 and 49:30 minutes, after viewing the interior stationhouse footage:

did he say he wanted to file a complaint?

Investigator: At any point during the interaction with Mr. inside the stationhouse,

Investigator: Upon reviewing the stationhouse footage, do you remember anything additional to what you've already told us as to what Mr. was saying inside the stationhouse?

Page 8

Det. Fresnel: No, sir. I didn't know why he walked in. I just didn't know what it was.

That's all I told him. Between 53:20 and 57:25 minutes, Det. Fresnel listened to Mr. **Det. Fresnel**: As I said before, when I had the conversation with Mr. basically "Sir, you can't be in here recording, which obviously he is recording, and you can't be in here with your phone. It's a police facility, it's a secure area. You have to leave. Are you licensed? I asked him if he was intoxicated or high, at which point he refused to give his license. I had my hands in my pocket and he exited. **Investigator**: Did you hear Mr. say he was there to make a complaint? **Det. Fresnel**: I did not hear that part. The NYPD prohibits officers from making a false official statement, which is defined as an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation. Administrative Guide 304-10 (BR 26). According to the InputAce synchronization of video and audio recordings, Det. Fresnel entered the stationhouse and stood approximately five feet from Mr. that he wanted to file a complaint against Det. Fresnel for calling him "boy." Det. Fresnel stood approximately one foot from Mr. when he said "I'm not dealing with you. I came to make a complaint." Shortly later in audio, it is captured that Mr. says, "I came to make a complaint". In response, Det. Fresnel responded, "That's fine". It is reasonable that Det. Fresnel, who was in close proximity to Mr. who was speaking in a loud voice, would have heard that he [Mr. was in the stationhouse with the intention of filing a complaint. His denial of not knowing why Mr. was at the stationhouse was not credible and contradicted by the audio recording. In addition, even after viewing the synchronized recording during his CCRB interview, Det. Fresnel maintained that he did not know that Mr. wanted to file a complaint against him. Given that Det. Fresnel confirmed that he was close enough to Mr. that he could smell the alcohol on him, it was not reasonable that he did not hear this request. The video and audio evidence, taken together, contradicted Det. Fresnel's claim that he was not aware that wanted to file a complaint against him. Furthermore, though Det. Fresnel maintained that he repeatedly told Mr. that he was not allowed to record in the stationhouse, this was discredited by the recording. The recordings support testimony that he was repeatedly asked for his license and if he was intoxicated but not that he had to stop his cell phone recording. Det. Fresnel presented an alternative narrative about the incident that was material to the investigation. As Det. Fresnel intentionally made false statements about material facts during his CCRB interview, it is recommended that Allegation N be closed as substantiated. Allegation O: Other Possible Misconduct Noted: Police Officer did did not have business cards as required by Administrative Guide 204-09. PO confirmed that he provided his name and shield number on the back of PO business card as he did not have a business cards on his person. As Administrative Guide 204-09 (BR 27) requires officers to maintain an adequate amount of business cards at the start of their tour, it is recommended that Allegation O result in Other Possible Misconduct Noted.

Det. Fresnel: Just that he was yelling and he acted irate and I asked him for his ID and I said you can't record in here and there are signs that are clearly posted and you have to leave.

CCRB Case # 202001716

	<u>Civilia</u>	an and Officer CCRB Hist	<u>ories</u>	
complaints a	and 19 allegations of w	f service for 16 years and havhich none have been substa	intiated. Det. Fro	
filed in regal • According to 2021, Mr.	declined to mediate 2, 2021, the NYC Offirds this to complaint (a) the Office of Court A	ice of the Comptroller has n	o record of a November 2	20, 2012 and July 29,
Squad: 6				
Investigator:	Amanda Field Signature	Investigator Amand Print Title &		8/30/2021 Date
Squad Leader: _	Jessica Pena Signature	IM Jessica Peña Print Title & Name	9/14/2021 D	ate
Reviewer: _	Signature	Print Title &	Name	Date